

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**RYAN HARDIN, ANDREW HILL**

**v.**

**SAMSUNG ELECTRONICS CO., LTD.,  
SAMSUNG ELECTRONICS AMERICA,  
INC.**

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**Case No. 2:21-cv-00290-JRG**

**MINUTES FOR PRETRIAL CONFERENCE  
HELD BEFORE U. S. DISTRICT JUDGE RODNEY GILSTRAP  
January 20, 2023**

**OPEN: 09:05 AM**

**ADJOURN: 04:18 PM**

ATTORNEYS FOR PLAINTIFFS: See attached

ATTORNEYS FOR DEFENDANTS: See attached.

LAW CLERKS: Patrick Clark  
Ryan Davies

COURT REPORTER: Shawn McRoberts, RMR, CRR

COURTROOM DEPUTY: Andrea Brunson, CP

<b><u>TIME</u></b>	<b><u>MINUTE ENTRY</u></b>
09:05 AM	Court opened.
09:06 AM	Court called for announcements from counsel.
09:06 AM	Court provided instructions and housekeeping matters to the parties. Case is set No. 1 for jury selection and trial on Monday, February 6, 2023. Trial will begin following empanelment of jury. Eight jurors will be selected. Peremptory strikes: Four per side. Counsel will be given 30 minutes per side for <i>voir dire</i> . The parties will be given 11 hours per side for the jury trial portion. Opening statements will be 30 minutes per side. Closing arguments will be 40 minutes per side. Court to be notified by 10:00 PM each night of disputes/objections not resolved through meet and confer efforts. Three (3) jointly prepared three-ring binders with disputed information are to be submitted to the Court by 7:00 AM the following day. The Court will be available in chambers by 7:30 AM every morning to take up any housekeeping matters or late-arriving disputes that

<u>TIME</u>	<u>MINUTE ENTRY</u>
	might come up during trial. Deposition-clip objections and/or disputes are to be taken up by the Court the day before the day such deposition is to be used. Deposition clips should be accompanied by closed-captioning. Court encouraged the parties to utilize the meet and confer process during the course of the trial to resolve disputes. It is the Court's intention to bring the jury in every morning at 8:30 AM. Lunch will be brought in daily for the jurors. Rule 50(a) motions will be heard by the Court after all the evidence is in and Plaintiff rests any rebuttal case. Court will hold an informal charge conference (off the record) after the close of evidence. Formal charge conference will follow thereafter and on the record. Court reminded counsel not to refer to individuals by their first names, and to advise their respective witnesses re: same. Counsel instructed counsel to refer to the Court's Standing Order re: the sealing of the courtroom re: confidential or highly sensitive testimony. Court instructed the parties to follow the instructions from Deputy Clerk in Charge, Mrs. Kecia Clendening re: receipt, review and return of the Juror Questionnaires. Parties to be prepared every morning of trial to read into the record those exhibits used prior day. Twelve juror notebooks to be delivered to chambers no later than 12:00 PM noon on Wednesday, February 1, 2023. Notebooks to contain: Complete copies of each patent-in-suit (single-sided); claim construction chart (single-sided); page for each witness with a head and shoulder photograph, name and ruled lines for notetaking; three-hole punch notepad for further notes and a non-clicking pen. Each witness page should be tabbed for easy navigation. Counsel confirmed no interpreters will be utilized during the trial. Parties to also provide notebooks to the Court containing printed copies of each expert report (single-sided without exhibits). Also, a digital copy to be furnished to the Court. Both printed and digital expert reports to be delivered to the Court by 12:00 PM noon on the Friday before jury selection. A reminder that expert witnesses are confined to the four corners of their report.
09:25 AM	Court proceeded with hearing argument re: the following disputed dispositive motions:
09:25 AM	[SEALED] Plaintiffs' Motion to Strike Portions of the Opening Expert Report of Samsung's Invalidity Expert, Dr. Eyal de Lara (Dkt. No. 144).
09:26 AM	Mr. Mann presented argument for Plaintiffs.
09:47 AM	Responsive argument by Mr. Liang for Defendants.
10:01 AM	Rebuttal argument by Mr. Mann for Plaintiffs.
10:07 AM	Court DENIED Dkt. No. 144.
10:07 AM	Court heard argument re: [SEALED] Samsung's Motion for Summary Judgment #1: Invalidity Under 35 U.S.C. § 101 (Dkt. No. 136).
10:08 AM	Mr. Snyder presented argument for Defendants.
10:21 AM	Responsive argument by Mr. Walker for Plaintiffs.
10:36 AM	Rebuttal argument by Mr. Snyder for Defendants.
10:42 AM	Court DENIED Dkt. No. 136.
10:43 AM	Court heard argument re: [SEALED] Plaintiffs' Motion to Strike Portions of the Opening Expert Report of Dr. Eyal de Lara That Raise Non-Infringing Alternatives Not Disclosed During Discovery (Dkt. No. 122).
10:43 AM	Mr. Mann presented argument for Plaintiffs.
10:49 AM	Responsive argument by Mr. Trask for Defendants.
10:55 AM	Rebuttal argument by Mr. Mann for Plaintiffs.

<b>TIME</b>	<b>MINUTE ENTRY</b>
10:58 AM	Additional responsive argument by Mr. Trask for Defendants.
11:00 AM	Court GRANTED Dkt. No. 122.
11:01 AM	Court heard argument re: [SEALED] Samsung's Motion for Summary Judgment #2: Non-Infringement of the Asserted Patents (Dkt. No. 140).
11:01 AM	Mr. Trask presented argument for Defendants.
11:06 AM	<b>Courtroom sealed.</b>
11:06 AM	Continuation of argument by Mr. Trask.
11:18 AM	Responsive argument by Ms. Raghavan for Plaintiffs.
11:41 AM	Rebuttal argument by Mr. Trask for Defendants.
11:44 AM	Court DENIED Dkt. No. 140.
11:44 AM	<b>Courtroom unsealed.</b>
11:45 AM	Recess for lunch.
12:35 PM	Court reconvened.
12:35 PM	Court heard argument re: [SEALED] Plaintiffs' Motion to Strike Portions of the Rebuttal Expert Report of Samsung's Damages Expert, Dr. Ray Perryman (Dkt. No. 145).
12:36 PM	Mr. Walker presented argument for Plaintiffs.
12:41 PM	Responsive argument by Ms. Simmons for Defendants.
12:43 PM	Court DENIED Dkt. No. 145.
12:43 PM	Court heard argument re: [SEALED] Samsung's Motion to Exclude the Expert Report of Stefan Boedeker (Dkt. No. 141) and [SEALED] Samsung's Motion to Exclude Opinions of Michael Wagner (Dkt. No. 143).
12:44 PM	Mr. Harber presented argument for Defendants re: Dkt. No. 141.
12:55 PM	Responsive argument by Mr. Walker for Plaintiffs.
01:00 PM	Rebuttal argument by Mr. Harber for Defendants.
01:04 PM	Mr. Harber presented argument for Defendants re: Dkt. No. 143.
01:20 PM	Responsive argument by Mr. Mann for Plaintiffs.
01:32 PM	Rebuttal argument by Mr. Harber for Defendants.
01:37 PM	Court DENIED Dkt. No. 141.
01:38 PM	Court DENIED Dkt. No. 143.
01:39 PM	Court heard argument re: [SEALED] Samsung's Motion to Exclude Michael Wagner's Supplemental Report (Dkt. No. 191).
01:39 PM	Mr. Harber presented argument for Defendants re: Dkt. No. 191.
01:50 PM	Responsive argument by Mr. Mann for Plaintiffs.
01:51 PM	<b>Courtroom sealed.</b>
01:51 PM	Continuation of argument by Mr. Mann.
02:04 PM	Rebuttal argument by Mr. Harber for Defendants.
02:07 PM	Additional responsive argument by Mr. Mann for Plaintiffs.
02:10 PM	Court DENIED Dkt. No. 191.
02:11 PM	<b>Courtroom unsealed.</b>
02:11 PM	Court heard argument re: [SEALED] Samsung's Motion to Exclude Opinions of Mark Jones (Dkt. No. 142).
02:11 PM	Mr. Trask presented argument for Defendants.
02:24 PM	Responsive argument by Ms. Raghavan for Plaintiffs.

<u>TIME</u>	<u>MINUTE ENTRY</u>
02:37 PM	Rebuttal argument by Mr. Trask for Defendants.
02:42 PM	Court made rulings as set forth in the record re: Dkt. No. 142.
02:46 PM	Court to take up an outstanding pretrial matter presented by Mr. Snyder on behalf of Defendants.
02:47 PM	Ms. Cope presented argument for Defendants.
02:55 PM	Court issued instructions and directives as set forth in the record.
02:59 PM	Court directed the parties to meet and confer re: remaining disputed MILs and exhibit issues.
03:00 PM	Recess.
03:37 PM	Court reconvened.
03:37 PM	Court requested update re: meet and confer efforts.
03:38 PM	Mr. Hill informed the Court re: agreement reached re: MIL disputes. Mr. Snyder confirmed agreement.
03:42 PM	Court proceeded to hear argument re: parties' remaining objections to MILs:
03:42 PM	<b>Courtroom sealed.</b>
03:42 PM	Plaintiffs' MIL 5: Argument presented.
03:49 PM	Court ruling: GRANTED with instructions as set forth in the record.
03:50 PM	Defendants' MIL 1: Argument presented.
03:58 PM	Court ruling: GRANTED.
04:00 PM	Defendants' MIL 4: Argument presented.
04:06 PM	Court ruling: DENIED.
04:08 PM	<b>Courtroom unsealed.</b>
04:08 PM	Defendants' MIL 5: Argument presented.
04:09 PM	Court ruling: GRANTED
04:10 PM	Conclusion of argument re: MILS.
04:11 PM	Recess.
04:15 PM	Court reconvened.
04:16 PM	Court to schedule Day 2 for pretrial conference re: pre-admission of exhibits.
04:18 PM	Court directed the parties to meet and confer to narrow exhibit disputes.
04:18 PM	Court adjourned.